

## **Chapter 18**

### **ALARM SYSTEMS**

#### **Articles:**

<b>18-1</b>	<b>GENERALLY</b>
<b>18-2</b>	<b>ALARM BUSINESSES</b>
<b>18-3</b>	<b>ALARM USERS</b>
<b>18-4</b>	<b>REVIEW, HEARING AND MISCELLANEOUS</b>

## **Article 18-1**

### **GENERALLY**

#### **Sections:**

<b>18-1-1</b>	<b>Purpose</b>
<b>18-1-2</b>	<b>Definitions</b>
<b>18-1-3</b>	<b>Effective Date; Exceptions</b>
<b>18-1-4</b>	<b>Administration</b>

#### **Section 18-1-1 Purpose**

Alarm systems of various types are used by private citizens, businesses and other commercial enterprises to alert police and fire departments to the occurrence of events requiring the response of public safety personnel. Alarms that are improperly installed, maintained or operated often cause false alarms which require the response of public safety personnel. The time spent by public safety personnel in responding to alarms, when no such response is actually required, is substantial, costly, wasteful and a detriment to the community at large. The purpose of this chapter is to regulate alarm business and alarm user conduct to reduce the waste of community public safety resources. This chapter is also for cost recovery purposes.

#### **Section 18-1-2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Activation" means setting off or triggering an alarm system, whether intentionally or unintentionally, but not placing an alarm system in a state of readiness, as upon the completion of installation or when arming the alarm.

"Act of God" means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable care, skill or foresight and is recognized as being of such magnitude that it would have widespread effect.

"Agent" means any person, whether an employee, independent contractor or otherwise, who acts on behalf of an alarm business and installs, maintains, services, monitors or repairs any alarm system in or on any building, place or premises.

"Alarm business" means a business, all or a part of which sells, leases, installs, monitors, maintains, services, repairs, alters or responds to any alarm system, in or on any building, structure or facility within the town. A business which manufactures or sells alarm systems from a fixed location is not an alarm business if it does not engage in the activities indicated in this definition, or if it does not design any scheme for physical location and installation of an alarm system in a specific location and has no alarm agent visit the location where an alarm is to be installed.

"Alarm system" means any mechanical or electrical device, including but not limited to, those used for the detection of smoke, fire, hazardous materials or unauthorized entry into a building or other facility, or for alerting others of the occurrence of fire, or a medical emergency or the commission of an unlawful act

within a building or other facility and which is designed to emit an outside audible alarm or to transmit a signal or message when actuated. Alarm systems include direct dial telephone devices, audible alarms and proprietor alarms. Alarm systems specifically exclude telephone call diverters and systems designed to report environmental and other occurrences that are not intended to alert, or cause others to alert, public safety personnel.

"Alarm user" means any person who purchases, leases, contracts for, otherwise obtains or uses an alarm system and includes proprietor alarms that are not leased from, owned by or maintained under a contract by an alarm business.

"Audible alarm" means a device designed to generate an outside audible sound when an alarm system has been activated.

"Automatic dialing device" means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message or any other signal, when activated, over a telephone line, radio or other communication system for the purpose of notifying, or causing to be notified, public safety personnel.

"Burglary alarm system" means an alarm system which signals an entry or attempted entry to the area protected by the system.

"Emergency medical alarm system" means a manually activated alarm system designed to signal a medical emergency and to summon medical assistance.

"Fire department" means the Fountain Hills Fire District or, in the event that the town shall provide its own fire service, that organization.

"License" means an alarm business license issued pursuant to this chapter.

"Monitored alarm system" means an alarm system that transmits signals to an alarm business or monitoring agency for the purpose of alerting public safety personnel.

"Monitoring agency" means any person or organization that is legally or contractually responsible for monitoring one or more alarm systems located in the town.

"Nonmonitored alarm system" means those alarms that are not monitored by a monitoring agency.

"Notice" means written notice, either delivered or mailed to the person to be notified at his last known address. Notice which is mailed shall be deemed given upon receipt or five working days after mailing, whichever occurs first.

"Permit" means an alarm user permit issued pursuant to this chapter.

"Permittee" means a person or organization which holds a permit.

"Police" means the town law enforcement agent or the Maricopa County Sheriff's Office.

"Primary alarm user" means the person or persons who contracts for the lease, purchase or rental of an alarm system; or who is responsible for the premises where an alarm system is located or who otherwise arranges for the installation or service of an alarm system.

"Proprietor alarm system" means any alarm system which is not leased or rented from, owned or

maintained under contract by an alarm business.

"Robbery alarm system" means an alarm system which is used to signal a robbery, attempted robbery or other crime in which a personal confrontation may be occurring, and which may include the use of a panic button activation device or alarm system duress feature.

"Town representative" means an employee or agent of the town, or an independent contractor acting on its behalf, who is responsible for the administration and enforcement of this chapter.

(06-14, Amended, 05/18/2006)

### **Section 18-1-3 Effective Date; Exceptions**

- A. The effective date of this chapter shall be June 1, 1997. Any alarm business operating within the town pursuant to a valid town business license prior to this effective date which continues to operate as such after June 1, 1997, shall apply for a license under this chapter no later than July 1, 1997. Such alarm business shall be permitted to operate as if lawfully licensed under this chapter until such time as the application required by this subsection is granted or denied.
- B. The provisions of this chapter shall not apply to audible alarms installed in or used in motorized transportation, including, without limitation, motor vehicles and boats.

### **Section 18-1-4 Administration**

The administration of this chapter, including the duty of prescribing forms, is vested in the town law enforcement agent or authorized designee. License and permit applications made pursuant to this chapter shall be submitted to the town law enforcement agent or authorized designee, who shall have the authority to issue, deny or revoke a permit or license in accordance with the provisions of this chapter. The town law enforcement agent or authorized designee shall be responsible for review procedures, hearings or related activities provided for in this chapter.

(06-14, Amended, 05/18/2006)

## **Article 18-2**

### **ALARM BUSINESSES**

#### **Sections:**

<b>18-2-1</b>	<b>License Required; Term; Fees</b>
<b>18-2-2</b>	<b>Application; Investigation</b>
<b>18-2-3</b>	<b>Issuance</b>
<b>18-2-4</b>	<b>Display of License</b>
<b>18-2-5</b>	<b>Equipment and Technical Standards</b>
<b>18-2-6</b>	<b>Responsibilities</b>
<b>18-2-7</b>	<b>Notification of Public Safety Agency; Response</b>
<b>18-2-8</b>	<b>Revocation; Appeals</b>

#### **Section 18-2-1 License Required; Term; Fees**

- A. No person shall engage in the activities of an alarm business in the town without having first obtained a license as provided by this chapter.
- B. The license required by this section shall be in addition to any other licenses or permits required by the town, the county or the state in order to engage in business, and persons engaging in activities described in this chapter shall comply with all other ordinances and laws, including the town zoning laws, as may be required to be engaged in the business to be licensed. Failure of an applicant or licensee, as applicable, to meet the requirements of this subsection shall be grounds for denial or revocation of a license.
- C. Licenses issued pursuant to this article shall be for a period of one calendar year and shall be renewable annually, subject to any terms and conditions provided in this article.
- D. Fees for initial license application or renewal shall not be refundable, transferable or prorated. The initial annual license fee shall be prorated, by quarter, if applicable. Fees, in such amounts as approved by the Council by resolution or as part of the Town's annual budget, shall apply to alarm business licenses, and shall accompany initial applications or renewals.
- E. In the event that a state law is enacted, which provides for the licensing of the activities which are the subject of this section, and which expressly preempts the town from requiring a separate town license for the same activities, the town shall refund to any alarm business licensed under this section an amount representing that portion of the town license, if any, preempted by the state law. The amount of the refund shall be prorated as of the date of the issuance of the preempted state license and shall be determined by multiplying the remaining portion of the town license, expressed as a fraction of the current license year by the total fees paid pursuant to subsection D of this section. Sections 18-2-4 through 18-2-7 of this article shall remain in full force and effect, notwithstanding any preempting state licensing, except as any portion of those provisions may either be expressly or impliedly preempted by the state law.
- F. Upon request and the payment of a fee, in such amount as approved by the Council by resolution or as part of the Town's annual budget, the town law enforcement agent or authorized designee shall issue a duplicate license to a licensee whose license has been lost, stolen or destroyed.
- G. In addition to the current license fees due, all applicants for licenses under this chapter shall pay

such additional fees as would have been paid if the applicant had previously complied with its requirements. Fees shall be subject to accrual from the effective date of the chapter and may be collected from the applicant for a period of not more than four years.  
(09-08, Amended, 07/02/2009; 06-14, Amended, 05/18/2006)

### **Section 18-2-2 Application; Investigation**

- A. Application for an alarm business license, or a license renewal, shall be made to the town law enforcement agent or authorized designee, upon forms prepared and approved by the town, and contain the following information:
1. Name, business location, mailing address and telephone number of the alarm business.
  2. Names and addresses of any alarm agents employed by the alarm business, identifying which alarm agents, if any, are registered security guards.
  3. Copy of current, active C-12 contractor's license or an L67 low voltage communications license, issued by the state registrar of contractors. Applicants whose sole business activity under this chapter is the monitoring of alarm systems shall not be required to possess any state registrar of contractors licenses; however, such applicants shall provide proof of Underwriters Laboratories (UL) or Factory Mutual (FM) listing as a licensing requirement. Applicants whose business activities include both monitoring of alarm systems and alarm system installation and maintenance shall comply with all the licensing requirements of this section relating to those activities.
  4. Statement of all prior criminal convictions of the applicant, including alarm agents, except minor traffic offenses, for the five years immediately preceding application.
  5. A description of the applicant's previous experience in activities similar to those for which the license application is submitted.
  6. The name, address and telephone number of the local manager, or managing officer, if a partnership or sole proprietorship, or statutory agent if a corporation.
  7. Certificate of liability insurance, evidencing errors and omissions insurance and combined general comprehensive insurance in the minimum amount of one million dollars and must specifically cover alarm systems. The insurance carrier is required to notify the town if insurance lapses. It is the sole responsibility of the applicant to determine whether other types or greater amounts of insurance coverage are necessary to adequately protect its interests and those of the public. This insurance coverage shall remain in full force and effect throughout the term of the license.
  8. Additional information deemed by the town law enforcement agent or authorized designee to be reasonably necessary to fully and fairly evaluate the license application.
- B. All applicants for licenses under this article shall personally appear at the location designated by the town law enforcement agent or authorized designee, for the purpose of being fingerprinted. For the purposes of this subsection, "applicant" shall include all general partners, if the applicant is a partnership, the president, secretary and treasurer, if the applicant is a corporation, and all agents who perform services on behalf of the applicant

within the town. Any applicant residing outside of Maricopa County, Arizona, shall appear at a local law enforcement agency or authorized fingerprinting facility within the jurisdiction of applicant's residence for such fingerprinting. The applicant shall transmit the fingerprints to the town law enforcement agent or authorized designee in an envelope specified for such purpose and provided by the town law enforcement agent or authorized designee at the time of application. The town law enforcement agent or authorized designee shall conduct a background investigation of the applicant within the period allowed for issuance of the license.

- C. The duty to provide the information required in subsections A and B of this section is continuing throughout the license term. The applicant shall notify the town law enforcement agent or authorized designee in writing within ten days of employing any agent who performs services on behalf of the applicant within the town.
- D. The town law enforcement agent or authorized designee shall have sixty days from the date of completion of all application materials and requirements to either issue or deny any license subject to this article. The issuance of any license shall be in no way construed as a waiver of any right of denial or revocation the town may have at the time of issuance or thereafter.

(06-14, Amended, 05/18/2006)

### **Section 18-2-3 Issuance**

- A. The town law enforcement agent or authorized designee shall issue a license to an applicant or renew a license, if applicable, when the following conditions are fully satisfied:
  - 1. All application requirements have been met and the background investigation has been conducted.
  - 2. All application and license fees have been paid in full.
  - 3. No grounds for denial exist.
- B. The following reasons may constitute sufficient grounds for denial of license or denial of renewal of a license:
  - 1. The applicant has been previously convicted, in any jurisdiction, of a felony or a misdemeanor within the five-year period immediately preceding the filing of an original application or a request for renewal. For the purposes of this subsection, "applicant" shall include all general partners, if the applicant is a partnership, the president, secretary and treasurer, if the applicant is a corporation, and all agents who perform services on behalf of the applicant within the town. A certified copy of the records of any court of competent jurisdiction reflecting the fact and date of any relevant conviction shall be prima facie evidence of a conviction for purposes of this chapter.
  - 2. False or misleading information was given in any license application, request for renewal or was submitted in support of such application or request, or the applicant failed or refused to make full disclosure of all required information.
  - 3. The applicant is not a United States citizen or lawful permanent resident alien or an alien who is authorized to work by the United States Department of Justice Immigration and

Naturalization Service.

4. The town law enforcement agent or authorized designee has reasonable grounds to believe that the licensee has shown a pattern of repeated noncompliance or disregard with the provisions of this chapter.
5. The applicant fails to meet the continuing disclosure requirements of subsection C of Section 18-2-2.

(06-14, Amended, 05/18/2006)

#### **Section 18-2-4 Display of License**

The license shall be kept and maintained at the central station or office of the alarm business and it shall be made available to town representatives, upon request, at any time during normal business hours.

#### **Section 18-2-5 Equipment and Technical Standards**

The following standards shall apply to alarm systems sold, installed or maintained by alarm businesses on or after the effective date of this chapter:

- A. All major components of alarm systems shall be Underwriters Laboratories (UL) or Factory Mutual (FM) approved, or in "approval pending" status.
- B. All alarm systems shall be installed using good workmanship and shall be designed to reduce false alarms.
- C. All alarm systems shall have a backup, rechargeable power supply.
- D. Motion detectors and photoelectric beam detectors may only be installed by agents or technicians who have been trained in the proper installation of such devices by the manufacturer or in a class organized for teaching alarm technologies.
- E. Burglar alarm systems must be designed to alert the user of possible system problems when the user tests or attempts to activate the alarm system.
- F. Audible burglar alarms shall be designed to emit audible sound no longer than ten minutes from the time the alarm is activated.
- G. Audible and monitored (transmitted) alarms shall be designed to have distinguishable alarms for burglary and fire.
- H. Ionization type detectors shall not be connected to a monitored alarm system.
- I. No alarm business shall place in service or monitor an alarm system that is known to be defective or contains defective components such as depleted batteries.
- J. Automatic dialing devices may not be programmed to any telephone number in the town government, including, without limitation, the police department or the fire department.



## **Section 18-2-6 Responsibilities**

- A. Any alarm business which installs or replaces an alarm system shall have a valid C-12 contractor's license or L67 low voltage communications license, unless the installation or replacement is performed by the owner or a tenant of the premises where the installation is being made.
- B. Upon the completion of the installation of an alarm system, the alarm business shall inspect and test all equipment and take or cause to be taken corrective action necessary to prevent the occurrence of false alarms.
- C. Any alarm business, that has a service or maintenance agreement with an alarm user, shall provide repair service to the subject alarm system within twenty-four hours of being notified that the alarm system is in need of repair or service. Any alarm business that has a service or maintenance agreement with an alarm user shall be available for notification of a need for repair service or repair twenty-four hours a day, seven days a week.
- D. An alarm business shall provide an alarm user with a written report any time the alarm business performs any type of service, maintenance or inspection to the alarm system. The report shall describe the reasons for the service, maintenance or inspection, any problems diagnosed and any actions taken.
- E. An alarm business that installs an alarm system shall provide the primary alarm user with complete instruction, including specific written operating instructions, or a videotape presentation of the same, that provides reasonable guidelines to aid the user in correctly using the alarm system installed by the alarm business.
- F. The alarm business shall provide the primary alarm user with a method of prearranging burglar or fire alarm system tests.
- G. Alarm businesses that provide monitoring, maintenance, repair or service to the alarm user shall maintain the following records, as applicable, for inspection by the town for two years from the time the service is performed:
  - 1. The name and address of the owner or occupant of the premises, the name and telephone number of the user, a primary and at least two alternative persons responsible for responding to the premises when the alarm is activated.
  - 2. Documentation certifying that each alarm user for which an installation has been completed has received the instruction required by subsection E of this section.
  - 3. A record of all activities and action taken to correct false alarms and events.
- H. An alarm business which leases, monitors or services an alarm system with an audible sounding device shall conspicuously place on the outside of the premises a sign or decal identifying the name of the alarm business and the telephone number to call when the alarm has been activated. The telephone number shown shall be updated as necessary to reflect accurate, current information.

### **Section 18-2-7 Notification of Public Safety Agency; Response**

- A. When an alarm business receives an alarm notification, it shall call back the premises from which the alarm signal was activated and verify activation with an authorized user, prior to notifying public safety dispatch, except when the type of alarm activated might make verification inappropriate (fire or panic alarm). When the fire department or police department is notified of an alarm condition by an alarm business, the following information shall be provided:
  - 1. The name and address of the alarm user.
  - 2. The type of alarm.
  - 3. The area protected by the alarm.
  - 4. The estimated time of arrival of the alarm user or agent if requested.
- B. The responsible alarm business shall deactivate any audible alarm within ten minutes of notification of its activation.
- C. When requested to do so by the police department, an alarm business shall arrange for the alarm user's responsible party representative to go to the premises of an activated alarm system within twenty minutes of the activation of the alarm to be available to assist the fire or police department in determining the reason for the activation and securing the premises.
- D. An alarm user or alarm agent shall respond to the scene of an alarm activation as expeditiously as safety permits, but without unnecessary or unreasonable delay.
- E. The alarm business or alarm agent shall cause alarm sounding devices to be disconnected from the alarm system prior to repairing or testing of system equipment, except when the sounding devices are being repaired or tested.
- F. The alarm user shall, and an alarm business may, notify the town, in writing, when an alarm business has ceased to lease, rent, maintain, service or monitor the alarm system and that the service has been terminated, or is being provided by another alarm business. The alarm user shall identify any alarm business which is providing replacement services.

### **Section 18-2-8 Revocation; Appeals**

- A. The town law enforcement agent or authorized designee shall initiate license revocation proceedings when there are reasonable grounds to believe that any of the conditions of paragraphs 1 through 5 of subsection B of Section 18-2-3 exist.
- B. Any person aggrieved by any decision with respect to either the denial of or refusal to issue a license, or the renewal of a license, or revocation of a license, which is the subject of this chapter, shall be entitled to appeal to the town council. All notices of appeal under this chapter shall be filed with the town law enforcement agent or authorized designee.

(06-14, Amended, 05/18/2006)



## **Article 18-3**

### **ALARM USERS**

#### **Sections:**

**18-3-1            Service Charges**

**18-3-2            Remedies**

#### **Section 18-3-1 Service Charges**

- A.     Public safety alarm response service charges ("service charges") shall be assessed against alarm users in such amounts per activation as approved by the Council by resolution or as part of the Town's annual budget, except as otherwise provided herein, for each calendar year.
- B.     No service charges shall be assessed pursuant to subsection A of this section for alarm activations which occur within the first thirty days of the following:
  - 1.    Installation of a new alarm system; or
  - 2.    New occupants moving into a residence with an existing alarm system.
- C.     No service charges shall be assessed for an alarm activation that results in the preparation of a report by the police department, or the fire department, in response to the activation.
- D.     All service charges shall become due and payable when a statement of charges is mailed to the customer and, except when specific arrangements are made in advance, shall become delinquent 21 days after being mailed. A late charge in such amount as approved by the Council by resolution or as part of the Town's annual budget shall be assessed for delinquent payments.
- E.     Records of service charges assessed against any alarm user, or premises, shall be deemed confidential and may only be disclosed to the alarm user, an alarm business presently having some responsibility for the alarm system that is the subject of the permit and town representatives, including members of the police and fire departments, acting in their official capacity.

(09-08, Amended, 07/02/2009)

#### **Section 18-3-2 Remedies**

All remedies prescribed by this chapter are cumulative and supplemental and the use of one or more remedies by the town shall not bar the use of any other remedy for the purpose of enforcing this chapter. This chapter shall not be construed to limit the right of the town to sue in a court of competent jurisdiction for appropriate relief, either legal or equitable, for the nonpayment of assessment fees, and to recover attorneys fees and costs for bringing such actions, as may be provided by law.

## **Article 18-4**

### **REVIEW, HEARING AND MISCELLANEOUS**

#### **Sections:**

- 18-4-1            Service Charge Review**
- 18-4-2            Hearing; Notice**
- 18-4-3            Decision of Hearing Officer; Notice**
- 18-4-4            Offenses; Penalty**
- 18-4-5            Liability of the Town Limited**

#### **Section 18-4-1 Service Charge Review**

An alarm user may file a written request for a service charge review by the town law enforcement agent or authorized designee. The request for service charge review must be received by the town law enforcement agent or authorized designee not later than the delinquent date for the payment of the assessment for which the review is being sought. Requests received after the delinquent date shall be deemed untimely and the rights of service charge review and hearing shall be deemed waived as to those assessments.

- A. The service charge review request shall include a statement of the reason or reasons that the alarm user believes justify reduction or waiver of the service charge. The alarm user shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activations in the future.
- B. Grounds for alarm service charge reduction or waiver are an act of God, a power outage not caused by the alarm user or a valid alarm activation, where a report is prepared by the police department or the fire department.
- C. An alarm user may present evidence that a series of concurrent alarm activations were caused by a "common cause," which could not have been reasonably corrected before subsequent activations occurred, in which case, the activations shall be counted as a single activation. This provision shall only apply to commonly caused activations occurring within a forty-eight hour period, commencing with the first commonly caused activation, provided that the responsible alarm business has documented, to the town law enforcement agent or authorized designee, the action taken to rectify the cause and there are no additional activations of the alarm system from the documented cause within thirty days from the documented cause.
- D. The alarm user shall be notified, in writing, of the findings of the reviewer. In the event that good cause for relief has been shown, the service charge will be reduced or waived. In the event that good cause for relief is not shown, the alarm user will be advised that the service charge or service charges, as applicable, are due and payable on receipt of the notice.

(06-14, Amended, 05/18/2006)

#### **Section 18-4-2 Hearing; Notice**

- A. Any party aggrieved by the decision resulting from a service charge review may request a hearing on the service charge by filing a written request for a hearing within ten days of receipt of decision of the reviewer. The request shall be filed, in writing, with the town law enforcement

agent or authorized designee.

- B. The request for hearing shall include a statement of the reason or reasons that the alarm user believes justify reduction or waiver of the service charge. The alarm user shall describe, if applicable, what actions have been taken to discover and eliminate such alarm activations in the future.
- C. The request for hearing an appeal shall be accompanied by a filing fee for each service charge being appealed, in such amount as approved by the Council by resolution or as part of the Town's annual budget. Filing fees shall be refunded to the alarm user if the service charge to which the filing fee relates is waived or reduced as a result of the hearing. If the service charge is not waived or reduced as a result of the hearing, the filing fee will be applied against the service charge or any service charge balance of the alarm user.
- D. The town magistrate shall be hearing officer for the purposes of this chapter. A hearing shall be set no later than thirty calendar days from the date on which the notice of appeal is filed.
- E. The hearing shall be informal and shall proceed as determined by the hearing officer, who shall have the authority to determine length of the hearing, the manner of presenting evidence and the order of evidence. No formal rules of evidence shall be required in conducting the hearing. Both the alarm user or the town shall be entitled to be represented by counsel at the hearing.
- F. The alarm user may present witnesses and written evidence in support of his or her position, subject to any limitation imposed by the hearing officer.
- G. A member of the town staff may attend the hearing to assist the hearing officer in understanding the status of the account in question and to explain the service charge. Additional evidence and witnesses may be offered by the town, subject to any limitation imposed by the hearing officer, in support of the service charge or related matters.

(09-08, Amended, 07/02/2009; 06-14, Amended, 05/18/2006)

### **Section 18-4-3 Decision of Hearing Officer; Notice**

- A. The decision of the hearing officer shall be based upon the evidence presented and shall be rendered within ten days of the completion of the hearing. The hearing officer may either affirm or deny the service charge and shall give the alarm user written notice of the decision.
- B. In the event that the hearing officer finds that there are no grounds justifying relief from the service charge, it shall be due and payable, less any filing fee which has been paid as a condition of the request for hearing, within ten days of the notice of the decision of the hearing officer. The hearing officer shall have the authority, however, to waive all or part of a service charge that has been affirmed, if an alarm user voluntarily agrees to attend appropriate training, or undertake appropriate alarm system maintenance or repairs. The hearing officer may require documentation of any of these required actions.
- C. In the event that the hearing officer finds that grounds exist justifying relief from the service charge, the alarm user shall not be responsible for payment. Any filing fees paid as a condition of the hearing shall be returned by the town, unless the alarm user owes other sums to the town, whether from alarm service charges or otherwise, in which case the town may retain the fees and apply them against the amount owing.

#### **Section 18-4-4 Offenses; Penalty**

- A. It shall be unlawful for any person to engage in, represent themselves to be, or operate as, an alarm agent without first applying for and receiving a license in accordance with the provisions of this chapter.
- B. Any violation of subsection A of Section 18-2-1 or subsection A of this section shall be a class one misdemeanor, punishable by up to six months in the county jail, or a fine in the amount of twenty-five hundred dollars, or both. When the violation does not consist of a discrete act or acts but is, in fact, continuing in nature, each day such violation continues shall constitute a separate offense.
- C. The revocation of a license or permit, or pending revocation proceedings, shall not be a defense to prosecution under this chapter.

#### **Section 18-4-5 Liability of the Town Limited**

The police department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, the town shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm notification, for any failure to discover, after reasonable diligence, a criminal background of an applicant for an alarm license, or the failure or neglect of any person with a license issued pursuant to this chapter or with a franchise in connection with the installation and operation of equipment, the transmission of alarm signals or the relaying of such signals and messages. In the event the town finds it necessary to order the revocation of an alarm license, the town shall incur no liability by such action.